

### **REMARKS**

Claims 32-34, 38-40, 42, 44 and 45 are presently pending in the above-referenced application. Applicants have amended the claims after final rejection to put them in condition for allowance. Further consideration of these claims is requested, in view of the amendments set forth above and the following remarks.

#### **Canceled Claims.**

Claims 30, 31, 41 and 43 have been cancelled, without prejudice, to advance the prosecution of the instant application for business reasons. By cancelation of these claims, Applicants are not surrendering any subject matter that lies between the presently pending claims and each of the cancelled claims.

#### **Amendments to the Claims**

Claims 32, 38, 42 and 44 have each been amended as follows.

Claim 32 has been amended to include the requirements of claims 31 and 30 (from which it depended), as these claims 31 and 30 were pending following amendment A (without the changes made to claim 30 in Amendment B).

Claim 38 has been amended to include the requirements of claim 43, now canceled. Claim 42 has been amended to be consistent with the amendment to claim 38. Claim 44 has been amended to depend from claim 38 rather than claim 43, now canceled. No new matter has been added.

#### **Acknowledgement**

Applicants acknowledge that claim 43 and 44 are indicated as allowable if rewritten in independent form. (See paragraph 10 at page 5 of the instant Office action). As noted above, claim 38 has been amended to include all of the requirements of claim 43, and is therefore now in condition for allowance.

Applicants also note that in the previous Office action dated July 16, 2003, claims 32-34 were said to have been be allowable if rewritten in independent form. (See paragraph 7 at page 4

of the Office action dated July 16, 2004). Although the instant office action now rejects claim 32 as being anticipated by Yee (U.S. Patent No. 5,672,256), such rejection appears to have been made in error. As discussed below, it appears that the previous rejection has been inadvertently applied (*e.g.* due to typographical error) to claims 31 and 32 – rather than to claims 30 and 31 (as in the previous July 16, 2003 Office action). Clarification of the same is requested. Accordingly, claims 32-34 should likewise be in condition for allowance, particularly in view of the following remarks (which address the written description concern raised in the instant Office action).

#### Rejections Under 35 U.S.C. § 102(e)

Claim 30 has been rejected under 35 U.S.C. §102(e) as being anticipated by Chow (U.S. Patent No. 5,955,028). *See* paragraph 3 at page 2 of the Office action.

Claim 30 has been canceled to obviate this basis for rejection.

Claims 31 and 32 are said to be rejected under 35 U.S.C. §102(e) as being anticipated by Yee (U.S. Patent No. 5,672,256) for the reasons of record and in view of the following comments. *See* paragraph 4 at page 2 of the Office action. As noted above, however, this basis for rejection appears to have been inadvertently applied (*e.g.* due to typographical error) to claims 31 and 32 – rather than to claims 30 and 31 (as in the previous July 16, 2003 Office action). Clarification of the same is requested.

To the extent that the rejection was intended to apply to claims 30 and 31, these claims have been cancelled to obviate this basis for rejection.

To the extent that Applicants are incorrect in assuming that the rejection was applied to claim 32 in error, it is respectfully submitted that the record does not provide any basis for this rejection. Yee does not disclose each requirement of claim 32, as expressly noted by the Examiner in the Office action dated July 16, 2003 (*See* paragraph 7 at page 4 thereof, stating that “(t)he prior art of record does not suggest the specific elements recited in claim 32”).

Accordingly, the presently pending claims are novel over the prior art of record.

#### Rejections Under 35 U.S.C. § 112 (Written Description)

Claims 30-34 has been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement with respect to array comprising different metal materials. (*See* paragraphs 6 and 7 at pages 2-3 of the Office action).

This basis for rejection is obviated in view of the amendments to claim 32.<sup>1</sup> In particular, Applicants have amended claim 32 to include the language of claims 30 and 31 as previously pending (and to which the Examiner had no objection) – prior to the changes made in the previous Amendment B.

Accordingly, Applicants respectfully request withdrawal of this basis for rejection.

#### Rejections Under 35 U.S.C. § 103(a) (Yee / Chow)

Claims 38-42 and 45 have been rejected under 35 U.S.C. §103(a) as being obvious over Yee (U.S. Patent No. 5,672,256), considered alone, or in combination with Chow (U.S. Patent No. 5,955,028). See paragraph 9 at pages 4-5 of the Office action.

Applicants have amended claim 38 to obviate this basis for rejection. Specifically, Applicants have amended claim 38 to include the requirements of claim 43, indicated as being allowable.

Accordingly, the presently pending claims are not obvious over the art of record.

#### Information Disclosure Statement

An Information Disclosure Statement is being filed on the date even herewith listing newly cited references. Consideration of the pending claims is respectfully requested, in particular, in view of the newly cited references.

#### Inventorship

Applicants previously submitted, on December 16, 2003, a Petition to Correct Inventorship (along with the necessary fee) pursuant to 37 C.F.R. §§1.48(a) and (b).

Applicants respectfully request an indication of the status of this Petition to Correct Inventorship.

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<sup>1</sup> Applicants have amended claim 32 to advance the prosecution of the instant case for business reasons. As such, this amendment should not be considered as an admission or other indication that Applicants agree with the statements made in the Office action in connection with the instant rejection.

CONCLUSION

All claims are now in condition for allowance and Applicants therefore respectfully request a Notice of Allowance. Any questions concerning this application should be directed to the Applicants' representative at the number provided below.

Respectfully submitted,

Date: \_\_\_\_\_

June 21, 2004

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Paul A. Stone", written over a horizontal line.

Paul A. Stone, Reg. No. 38,628  
Attorney for Applicants

Symyx Technologies, Inc.  
3100 Central Expressway  
Santa Clara, CA 95051  
Phone: (408) 773-4027  
Fax: (408) 773-4029